

Remarks

Claims 1-25 are pending.

Claims 1-25 were rejected by the Examiner.

The indicated allowability of claims 1-25 was withdrawn in view of the newly discovered reference to Horvitz (US 6,618,716).

Claims 1-15 and 20-22 were rejected under 35 USC 102(e) as allegedly being anticipated by Horvitz.

Horvitz is directed to a system in which multiple alerts are controlled and processed prior to being routed to one device at which the user is working. See col. 1, lines 26-35 and col. 2, lines 14-24. One could view it as a 'many to one' system in which many devices, including remote devices, telephones, WAN and LAN connected devices, as well as internal processes, generate alerts that need to be managed and presented to the user in such a manner so as to not distract the user's attention unless necessary.

The probabilities used in the system of Horvitz are directed to determining the probability that the user is reachable, or that the user's attention will be caught by the alert, col. 3, lines 4-8 and col. 6, line 63 through col. 8, line 48. In contrast the probabilities used in the invented system as claimed are directed to determining at which device the user is currently located that will allow the input-receiving device to contact the user.

It is possible that there is confusion about the difference between the variations of the system upon which the user is working, described at col. 4, lines 44-54, and the various devices at which the user may be contacted in the instant invention. Horvitz discloses that the one system at which the user is currently directing his/her attention may take many forms, not that many systems may be used to alert the user. Similarly, the various types of systems,

peripherals, processes, etc. that are described as generating the alerts in Horvitz should not be confused with multiple devices at which the user may be reached in the instant invention as claimed. In Horvitz there are multiple possibilities for inputs to be received at the module that will ultimately catch the user's attention, but only one output system. In Applicant's invention as claimed, there is one input device at which the call is received and multiple output devices at which the user may be reached.

In contrast to Horvitz, the invention as claimed is directed to a 'one to many' system, in which one device receives a call for a user and must determine what device or devices from a group of many should receive the notification of the incoming call.

For example, claim 1 requires *a user interface to allow users to specify at least one contact device during a period of time, and a predictor that predicts a probability of contact the user through at least one contact device*. There is no such user interface in Horvitz. The user interface in Horvitz is the system through which the user is contacted. Similarly, Horvitz predicts the probability of gaining the user's attention, not the probability of contacting the user at a contact device. In Horvitz, even though the device may take many forms, the device through which the user is to be contacted is known. Claim 20 has similar limitations to claim 1.

Similarly, claim 6 requires *accessing user preferences for contacting the user*. In Horvitz, there is no user preference for contacting the user. There may be user preferences implicit in the system based upon the user's reactions to alerts, but the user preferences are not preference for 'contacting the user. Further, claim 6 requires *predicting a probability on contacting the user by at least one contact device based upon the user preferences and previous successful contacts*. Again, the probability of contacting the user by at least one

contact device in Horvitz is known. It is the probability of getting the user's attention on a single contact device that remains to be determined in Horvitz. Even further, claim 6 requires *transmitting a contact signal to the at least one device having the highest probability*. The probability of the device is the highest it can be in Horvitz. The user being contacted is 100% probability, it is whether the user reacts that remains to be determined in Horvitz. Claim 22 has similar limitations to claim 6.

It is therefore submitted the claims 1-15 and 20-22 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 15-19 and 23-25 were rejected under 35 USC 103(a) as allegedly being unpatentable over Horvitz.

These claims depend from claim 6 and claim 22, respectively. As discussed above, the probabilities of Horvitz are not directed towards determining the probabilities of which contact devices will be able to reach the user, but towards determining the ability to gain the user's attention. These claims are directed to various relationships between the devices and the probabilities.

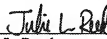
It is therefore submitted that claims 15-19 and 23-25 are patentably distinguishable over the prior art for the reasons as applied to their dependent claims as well as their own merits.

No new matter has been added by this amendment. Allowance of all pending claims is requested. Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Customer No. 20575

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.



Julie L. Reed
Reg. No. 35,349

210 SW Morrison Street
Suite 400
Portland, OR 97204
503-222-3613